

Staff Variance Report
For
January 7, 2014 Commission Meeting

“A” category = staff recommendation is for approval with no equal alternatives because of noncompliance is not adverse.

“B” category = staff recommendation is for approval with equal alternatives as stated by the proponent.

“C” category = reserved, meaning staff believes Commission needs to discuss entirety.

“D” category = recommendation is for denial.

“I” category = incomplete (with permission of the Chairman).

“NVR” category = no variance required.

NOTE: All staff recommendations presume code statements on the variances by the applicant are correct, unless otherwise noted. This means that all code statements become conditions of the variances and, if not true, the variances would be subject to Commission sanction. All LBO and LFO responses that they have received a copy of the application for variance are in order, unless otherwise noted.

Tabled Variances:

- | | | |
|----------|----|---|
| 13-11-12 | C | <p>Hoosier House Furnishings, LLC – Goshen
<i>The code required spray booths and storage room will not be provided with an approved automatic fire extinguishing system. The proponent advises that this is an existing manufacturing operation conducted in an existing industrial building. The actual coating usage in this operation is minimal. The spray booths and storage room are existing and not undergoing repair or renovation. The spray booths are constructed to modern standards and equipped with effective exhaust systems. All appropriate signage has been recently updated. The processes have been in operation in their current status since March of 2005. The hardship is that the operations are unable to function without the ability to operate their wood finishing equipment. The addition of suppression equipment inside the existing spray booths and storage room would require that these operations be taken off line for an extended time during the instillation. How long would it take to install? Were the installations of these spray booths and storage areas filed with State Plan Review? Tabled no proponent. Tabled no proponent.</i></p> |
| 13-11-13 | C | <p>Sincere Heart Adult Day Care Center – Merrillville
<i>The code required sprinkler system and fire alarm system will not be provided for the I-4 occupancy adult day care. The proponent has attached a drawing of the facility that shows they are adding exterior doors to all of the rooms that currently do not have them. A manual fire alarm system and direct wired smoke detectors will be added in each room. The hardship is the cost of the sprinkler system is estimated at approximately \$20,000.00. What is the level of abilities of the people in the day care? Are they capable of self preservation? Tabled at the request of the proponent. Tabled no proponent.</i></p> |
| 13-12-21 | CI | <p>521 Franklin St. – Michigan City – Apartment Conversion Project #364300
<i>The code required sprinkler system will not be provided as part of this conversion to add three new apartments to the building. The proponent advises that there will be 10</i></p> |

apartments and two store fronts. The building was upgraded in 2003. The proponent does not advise what was done at that time. The hardship is the cost to bring a 4" or 6" pipe from the opposite side of the street, would be too costly. What is the cost to comply? **Tabled at the request of the proponent.**

- 13-12-25 BI **Ash Tenant Space – Carmel**
A new "B" occupancy office tenant space in an existing building will be installing electromagnetically secured locking devices on egress doors which are not allowed by code. The proponent advises that the building is protected with an automatic fire suppression system per NFPA 13. The hardship involves the need to have security for the tenant space. **Tabled at the request of the proponent.**
- 13-12-34 CI **Lake Rudolph Camp Ground and RV Park – Santa Claus**
Recreational park trailers have been moved into southern Indiana and the wheels have been removed and the units have been anchored to the ground, and the units have not been filed and are Class 1 structures, which is not allowed per the code. The proponent advises that there are approximately 55 units and there are approximately 100 more units proposed in the future to replace existing RV trailers with the wheels attached. The variance is to treat the units as recreational trailers, which are exempt from the rules of the Commission. The camp ground has been in place for many years. The proponent advises that the units comply with ANSI A119.5, Standard for Recreational Park Trailers and are labeled as Park trailers. They advise that these units are built as a single chassis mounted on wheels. The hardship is that the compliance with the Indiana Building Code is not possible with the existing units. What about the decks that have been added? How are these units secured to the ground? **Tabled so proponent can revise the variance application to show the units as either Class 1 or Class 2 structures and how they do not comply with the rules of the Commission.**
- 13-12-40 A **511 E. 14th Street – Bloomington – Windows**
The emergency egress windows have a sill height of 45" from the finished floor and code only allows a maximum height of 44". This dimension is per the 1989 Indiana Building Code. **Tabled incomplete.**
- 13-12-41 A **513 E. 14th Street – Bloomington – Windows**
Same as 13-12-40. **Tabled incomplete.**
- 13-12-42 CI **Rolls-Royce – Plant 8 – Indianapolis**
The exit travel distance will be longer than allowed by code during the demolition of Building 2 (offices) and on the 2nd floor a room of approximately 1,800 sq. ft. because there will be only 1 of the required exits rather than the code required number. The exit travel distance will be 600 feet to an exit due to the closing of three exits. Code requires that the exits be maintained. The proponent advises that they will undertake the following items: temporary exit signs will be placed to direct staff/employees to proper exits, the sprinkler system will remain in service in the plant, the plant has high ceilings which allow more evacuation time, and the demolition will last approximately eight months. The hardship is that the offices have been consolidated in another building. The

office building will be demolished, eventually resulting in more direct exits to the exterior for the plant. The exiting through the demolition is neither desirable nor feasible.
Tabled at the request of the proponent

New Variances:

- 14-1-1 CI **Georgetown Road Church/Everlasting Hope International Ministries – Indianapolis**
The code required sprinkler system will not be provided for the A-3 Church building. The proponent advises that they will, in lieu of the sprinkler system, install an approved fire separation wall between the church area and the remainder of the building. The stated hardship is that, if the variance is not approved, the church will no longer be able to be located in the structure. The inspection report advises that the total square footage of the building is 12,640 sq. ft. and the occupant load is 347 in the church area.
- 14-1-2 AI **720 Northwestern Avenue – West Lafayette** Project #362674
Three KONE EcoSpace elevators will be installed with a capacity of 3,000 to 5,000 pounds utilizing 8 mm steel wire rope suspension cables and 6 mm steel wire rope governor cables in lieu of the code required 9.5 mm cables. The proponent advises that they will provide, at the request of the state, rope gauges to each elevator inspector. The use of this type elevator deletes the need to build an elevator penthouse lowering the overall costs of the projects.
- 14-1-3 A **Good Samaritan Hospital – Vincennes** Project #358165
The variance request is to allow the use of 8 mm suspension cables in lieu of the code required 9.5 mm cables, with the deviation 1, suspension cables below 9.5 mm, 8 mm Steel Wire Ropes and minimum wire size less than 0.56 mm (0.024 in.) in diameter. The minimum diameter of suspension and counterweight ropes shall be 4.0 mm (0.156 in.). The outer wires of steel wire ropes shall be not less than 0.21 mm (0.008 in.) in diameter. The proponent advises will provide any tools and training required to the state so that the ropes can be inspected for wear. The hardship is the new technology for elevator construction that is addressed in new published code.
- 14-1-4 NVRI **2370 South Henderson – Bloomington – Windows**
The emergency egress windows do not meet the minimum requires of the code of record for the 2nd floor bedrooms to the west, middle and east bedrooms. The code requires that the windows, for the structure built in 1983 are required to have a minimum clear openable area of 4.75 sq. ft., a minimum clear openable height of 24", and a clear minimum openable width of 18" and have a maximum sill height of 28". The current windows have a clear height of 23" which is 1" to short to meet code. All other measurements are within the code requirements.
- 14-1-5 CI **Stone Church Apartments – Bloomington**
The furnace closet is in one of the bedrooms in a closet that is also used for the water heater which is not allowed by code. The proponent advises that the fresh air return for the furnace goes through the wall into the living room/kitchen area. The proponent

advises that this conversion from a church to apartments was done in 1995 or 1996 and has passed the HAND inspection each time until now.

- 14-1-6 AI **2404 S. Woolery Mill Dr. – Bloomington – Windows**
The emergency escape and rescue windows on the 2nd floor are required to be 5.7 sq. ft. and the ones in this installation are 5.59 sq. ft. The house was constructed in 2008 per the HAND report.
- 14-1-7 C/NVRI **Wildridge Association Inc. – Birdseye** Project #366241
The carport will have open sides and the code required items from Table 29, including the plumbing fixtures, the emergency shower, service sink, and drinking fountain will not be provided, as well as the accessibility requirements in Chapter 11. The proponent advises that this is a shelter that will be used to store a chipper and truck out of the weather. There will be no work done on the equipment in the carport. There is no water or gas to the carport. Is the code applicable to this structure?
- 14-1-8 AI **Lawrence North High School – Indianapolis**
The occupant use hose station hoses will be removed that were required by code when the building was constructed. The proponent advises that they will be removing the hoses from 5 hose cabinets in the Gymnasium, 2 hoses from the Fieldhouse, 2 hoses from the Auditorium, 2 from the Stage, and 1 from the Theater. Thus a total of 12 hoses will be removed.
- 14-1-9 B **Greensburg Municipal Airport (I34) – Above Ground Fuel Tank – Greensburg**
A 12,000 gallon fuel tank will be installed in lieu of the code allowed 10,000 gallon maximum. The proponent advises that they will use the tank to fuel aircraft and will be used for Jet A fuel. They are proposing to use a UL2085 tank and have a bid for \$106,490.00 to install the tank.
- 14-1-10(a)(b)(c) **Grace Presbyterian Church – Indianapolis** Project #367364
A (a) *The code required accessibility requirements of Section 1109.2 will not be followed in the conversion of an existing women's restroom into a men's restroom that will have a wall mounted urinal installed by replacing one of the current stools. The proponent advises that there is no overall change in either the existing maximum occupancy or total number toilet fixtures available to both sexes. The new expanded women's room will be completely and fully ADA compliant. They will reconfigure one of the existing toilet rooms which currently houses two tight toilet stalls and a lavatory to modify it to a unisex, single fixture ADA compliant toilet room. The hardship is the size limitations in the restroom and the excessive costs as a result of considerable space configuration changes. What are the costs?*
A (b) *The code required sprinkler system for A-3 occupancy in excess of 12,000 sq. ft. has not been provided for this facility and the toilet room addition will put the facility into further noncompliance, which is not allowed by code. The proponent advises that the facility has been in noncompliance since 1998, when the building addition was built to bring the total square footage to 12,400 sq. ft. Another 100 sq. ft. addition was added in 2005 the code summary research that was found indicated incorrectly an assumed 2 hour*

rated fire wall and occupancy separation (which did not exist). The current proposed 120 sq. ft. toilet room neither adds additional occupant load nor affects existing life safety or means of egress to the building. The hardship is the cost of the sprinkler system is not feasible. What is the cost?

- A (c) *When verifying the construction type, it was found that the project had been filed wrong as Type VA rather than the Type VB that it appears to be, which results in the existing building being over allowable area for the construction type according to Table 503. The proponent advises that the addition of the toilet room would put the structure into further noncompliance which would violate the GAR requirements. The 2 hour fire wall that was incorrectly indicated does not exist. The hardship is the cost to sprinkler the building and is not feasible.*

14-1-11

BI **531 Apartments – Bloomington**

Exterior openings in the south exterior walls will exceed the 10% permitted area with respect to exterior wall area of each story, based upon a fire separation distance of greater than 5 feet to 10 feet, the openings will have a fire separation distance of ranging from 5' 9" to 9' 8" from the property line. The actual area of windows will be 23% on the 2nd floor, 25.6% on the 3rd floor, and 25.6% on the 4th floor. The building will be a 4 story structure, with a lower level and 3 levels of apartments above. The proponent advises that the building will be protected throughout with an automatic sprinkler system per NFPA 13R, with protection in the nonresidential areas per NFPA 13. A quick response sprinkler will be located within the unit at the ceiling level within 12 inches horizontally of each exterior opening in the south exterior wall, with the sprinklers centered on each opening. The hardship is the exterior openings are desired in the sizes noted in order to provide natural light into the dwelling units.

14-1-12(a)(b)(c)(d)

BI **Mitchell Public Library – Interior Renovation – Mitchell**

- BI (a) *The Carnegie library building is being renovated on the interior, including a modification of existing non-rated stairs in order to enhance security. This modification would require that the non-rated stairs be enclosed with 1 hour rated construction, which will not be done. The proponent advises that the building was originally constructed in 1918, with an expansion in 1994. The building is approximately 7,000 sq. ft. per floor. The calculated occupant load is approximately 120 (60 per floor). The library maintains hour by hour documentation of the number of visitors throughout the year. The average is 21 occupants with a peak of 33. There are three exits provided on the lower level. A manual fire alarm system is provided. The maximum travel distance is approximately 80 feet. The renovation does not increase the fire area or the calculated occupant load. The hardship is that the original main entrance is integral to the historic character of the Carnegie Library and no work is proposed at this stair other than repair of the historic leaded glass. The south stair is part of the 1994 addition and wraps the existing elevator hoistway. A portion of this stair is being reversed to redirect all traffic past the circulation desk to improve security.*
- BI (b) *The Carnegie library building is being renovated on the interior, including a modification of existing non-rated stairs in order to enhance security and the doors in the historic east stair will not be made to swing in accordance with code. The renovation does not increase the fire area or the calculated occupant load. The south stair is part of*

the 1994 addition and wraps the existing elevator hoistway and the portion being reversed to redirect all traffic past the circulation desk will enhance the security.

B/CI (c) *There are several parts of the existing original stairs that will not be made to comply with today's code, which include landing size, handrail configuration, and guardrail height.* The building is approximately 7,000 sq. ft. in area per floor. The hardship is that the original main entrance is integral to the historic character of the Carnegie Library and any change would take away from this character.

B/CI (d) *The stairs that were constructed during the 1994 addition do not meet today's code for accessibility requirements and will not be made to meet those requirements during this renovation.* The proponent advises that, based on the presence of trained staff to provide assistance, the noncompliance will not be adverse. The addition of the nonrequired fire alarm throughout the building and the maximum travel distance of 80 feet (200 feet allowed per the code) will increase the time to assist anyone requiring the need for accessible egress happen more quickly due to the shorter distance. The hardship is providing the rated area of refuge at each of the three stairs would consume a significant amount of floor space in this small library.

14-1-13(a)(b)(c)(d) **Kokomo High School – Stadium Renovation – Kokomo**

AI (a) *The new 2,800 sq. ft. 3 story press box, with supporting concession stand/carnival spaces, addition to an existing high school football field grandstand will not meet the energy code requirements.* The proponent advises that the structure will be used infrequently over the entire year. The hardship involves the cost to insulate the building, and limited necessary windows/openings for the function of the space.

AI (b) *The new 2,800 sq. ft. 3 story press box, with supporting concession stand/carnival spaces, addition to an existing high school football field grandstand will not have a heating system in the new concession/carnival spaces on the 1st floor, which would maintain a minimum indoor temperature as required by code.* The code requires interior spaces intended for human occupancy to have a minimal heating system. The proponent advises that the structure will be used infrequently over the year. Heat is provided per code for the upper press box floors. The hardship is the cost to provide heating equipment and an energy source given the limited use. Also due to the function of many of the spaces on the first floor, openings provided will remain open to the exterior while occupied.

AI (c) *The new 2,800 sq. ft. 3 story press box, with supporting concession stand/carnival spaces, addition to an existing high school football field grandstand with the highest occupied floor more than 30 feet above the fire department access and will not have a standpipe system as required by code.* The grandstand has an occupant load in excess of 1,000. The code requires the standpipe due to the occupied floor and the occupant load. The proponent advises that the structure will be infrequently used during the year. The press box upper level floor is approximately 320 sq. ft. and located 38' 10" above the fire department access. The entire press box has very limited fire loading. The building is Type II-B construction. The hardship is the cost to provide a standpipe for fire department use given the limited use of the facility, limited size of the floors and the very limited fire load.

DI (d) *The upper floor of a 3 story press box, with supporting concession stand/carnival spaces, addition to an existing high school football field will have a spiral stair as its*

only means of egress, which is not allowed by code for an area in excess of 250 sq. ft. and an occupancy load in excess of 5. The proponent advises that this level will be approximately 320 sq. ft. and have an occupant load of 42 standing. The proponent advises that the spiral stair will be code compliant, the upper level will be limited to coaches, filming crews and the press only and a posted occupant load will be 15 occupants. An elevator is provided, with an emergency generator for accessible egress. The hardship involves the limited space at this level below of the press box for a standard configuration egress stair.

14-1-14

BI

The Lofts at Pulliam Square – Indianapolis

The clothes dryer duct lengths on the residential floors will exceed the code permitted 25 feet. The proponent advises that the project involves construction of wood frame apartments over a commercial/retail Type IA structure. The construction will adjoin an existing parking garage on the northeast corner of the site. The dryers will be installed throughout the project with exhaust systems that have the published capacity to provide adequate airflow to match the necessary lengths based upon the use of rigid metal duct. The hardship is the location of the clothes dryers does not permit compliance with the maximum 25 feet equivalent length requirement.

14-1-15(a)(b)

CI

Lawrenceburg High School – Gymnasium Addition – Lawrenceburg

(a) The proposed addition will impact the existing means of egress and require temporary means of egress provisions during the construction that will not comply with certain rules of the Commission. The project involves the construction of an addition including a new competition gymnasium and spaces for PE and school sports functions. The building is classified as an “E” occupancy with accessory assembly uses, and of Type IIB construction. The proponent will undertake the following alternative actions in lieu of compliance with the code: exit lighting and signage will be adjusted as necessary to accommodate the planned modifications to the egress system; fire drills will be conducted to familiarize staff and students with the temporary egress scheme during the construction of the addition. The hardship is that it is not feasible to vacate the affected areas of the building during construction or to maintain use of the existing egress features in their current configuration during construction. What is the duration of the construction? Will any of the egress components go through the construction areas and if so will they be separated by some type of temporary construction?

CI

(b) An existing window in the wall between the corridor and the existing pool will not be fire rated and based on upon the classification of the wall as a 2 hour fire barrier, to separate the new 3 story gymnasium addition from the existing building the window is required to be fire rated. A previous variance, 10-14-36(a), was approved to permit the 2 hour fire barrier to separate the addition from the existing building in lieu of a fire wall. The proponent advises that they will undertake the following items in lieu of compliance with the code: the addition will be protected throughout with an automatic sprinkler system; the automatic sprinkler system will be added at the ceiling level in the corridor within 12 inches horizontally of the unprotected window. The hardship is that the window is desired to be retained to provide visibility into the pool from the corridor. What is the hardship in putting in a rated window?

- 14-1-16 C/NVRI **Emanuel Lutheran Church – Storage Building – Evansville**
The code required items from Table 29 of the Indiana Plumbing Code will not be installed in the small storage building of 816 sq. ft. for the outreach ministries. The proponent advises that there will not be any plumbing fixtures in the unheated building that is 25 feet from the current building which has accessible restroom facilities. There will not chemicals stored in the building. There will be no personnel working in the building other than to place or remove stored items. There will no public allowed in the building. The hardship is that putting plumbing fixtures in the unheated structure would cost thousands of dollars with no significant benefit. Are they required in this building?
- 14-1-17 BI **King’s Daughters’ Health Cancer Center – Addition – Madison**
The door serving as the means of egress from the linear accelerator room (used for radiation therapy) will be a horizontal sliding door in lieu of the code required side swinging door. The Indiana Building Code allows sliding doors only from critical care or intensive care patient rooms in I-2 occupancies. The proponent advises that this is allowed in the Life Safety Code (2012 Edition of NFPA 101). The building is protected throughout with an automatic sprinkler system. The hardship is that the proposed door is designed to maintain the required shield for the effects of radiation.
- 14-1-18 BI **Roche Diagnostics Learning and Development Center – Indianapolis**
In lieu of the code required 9.5 mm diameter suspension cables used for the elevator the variance request is to utilize the new elastomeric coated suspension constructed of six 2.5 mm steel cables and for the governor a 6 mm diameter suspension member. The proponent advises that these cables conform to the ASME A17.1, 2010 and ASME A17.6, 2010 and is ANSI AECO certified to ASME A17.7, 2007. The 6mm steel governor rope is designed to conform to ASME A17.1, 2010 and ASME A17.6, 2010 and is ANSI AECO certified to ASME A17.7, 2007.
- 14-1-19 C/NVRI **Health South – Storage Building – Evansville** Project #368314
The small (560 sq. ft.) for extra hospital beds and wheel chairs will not have any plumbing fixtures in the structure. The proponent advises that this small structure is within 25 feet of the hospital which has all of the required plumbing fixtures. There will be no storage of any chemicals or flammable liquids stored in the structure. There will be no personnel working in the building other than to place or remove the stored items. The public will not be allowed in the structure. The hardship is the cost to install the plumbing fixtures in the building that will not be heated and will be unoccupied. Are plumbing fixtures required in this building?
- 14-1-20 BI **1002 Broad Ripple Avenue – Indianapolis**
In lieu of the code required 9.5 mm diameter suspension cables used for the elevator, the variance request is to utilize the new elastomeric coated suspension constructed of six 2.5 mm steel cables and for the governor a 6 mm diameter suspension member. The proponent advises that these cables conform to the ASME A17.1, 2010 and ASME A17.6, 2010 and is ANSI AECO certified to ASME A17.7, 2007. The 6mm steel governor rope is designed to conform to ASME A17.1, 2010 and ASME A17.6, 2010 and is ANSI AECO certified to ASME A17.7, 2007.

- 14-1-21 BI **Iron Works – Indianapolis**
In lieu of the code required 9.5 mm diameter suspension cables used for the elevator the variance request is to utilize the new elastomeric coated suspension constructed of six 2.5 mm steel cables and for the governor a 6 mm diameter suspension member. The proponent advises that these cables conform to the ASME A17.1, 2010 and ASME A17.6, 2010 and is ANSI AECO certified to ASME A17.7, 2007. The 6mm steel governor rope is designed to conform to ASME A17.1, 2010 and ASME A17.6, 2010 and is ANSI AECO certified to ASME A17.7, 2007.
- 14-1-22 C/NVRI **Boonville IGA – Storage Building – Boonville** Project #367883
A small storage building (1,872 sq. ft. enclosed with 468 sq. ft. open) for extra fixtures, dry goods and non-perishable overstock will not have any plumbing fixtures as required by code. The proponent advises that the building is within 35 feet of the full service grocery store which contains complete employee facilities. There will be no storage of chemicals, flammable liquids, etc. There will be no personnel working in the building other than to place or retrieve stored items. The public will not be allowed in the building. The hardship is the building will be unheated and the plumbing fixtures would cost a large amount of money with the availability of the facilities in the store. Are they required in this building?
- 14-1-23(a)(b)(c)(d)(e)(f)(g) **Artistry Phase II – North Building – Indianapolis**
- CI (a) *The new 5 story mixed use building having apartments, future retail, restaurants or offices will exceed the code allowed number of stories for the mixed type of construction because for the VA construction type, apartments are limited to 4 stories. The proponent advises that a 2 hour fire rated floor separation with 2 hour supporting construction will be provided between the 1st story and the upper 4 stories above. There will be steel framing for the 1st story, floor joists will be wood trusses. The hardship is the cost of providing the 3 hour noncombustible construction for the 1st floor. The variance is listed on the application as being similar (12-06-8(c)(d)) was podium construction.*
- CI (b) *The new mixed use building having apartments, future retail, assembly use, will have an NFPA 13R sprinkler system for the apartments, the building with a modified podium structure, will be 5 stories in height and the code limits NFPA 13R to 4 stories in height. There will be a building increase per Section 506.4, Exception 2, which will be followed. The proponent advises that there will be a 2 hour floor separation provided between the 1st and the 4 stories above. The apartment floors will have fire walls providing compartmentation which will also qualify as horizontal exits, reducing the travel distance and increasing exit capacity. The owner's hardship is the cost to provide an NFPA 13 sprinkler system for the residential floor levels, including concealed spaces such as floor construction and attic. What is the Cost?*
- AI (c) *The code required access to the attic spaces having a clear height of over 30 inches will not be provided. The code requires an access hatch of 20" X 40" which is not available for a fire rated roof, ceiling assembly. Given the tight space formed by the roof trusses for the flat roof the access will not be provided. Due to the attic roof truss diagonal braces and planned insulation access into the attic space would be very difficult and there are only intermittent spaces where the attic height is greater than 30 inches. The hardship is the cost of providing a fire rated hatch that does not exist in every*

apartment and securing the openings so building tenants do not have access to the attic space. Similar variances have been approved in the past.

- AI (d) *The 5 story mixed use facility will have trash chute access rooms and termination rooms of 1 hour fire rated construction rather than the code required 2 hour fire rated construction.* This requirement is in NFPA 82 which requires such rooms to be 2 hour fire rated. In the 2009 Edition of NFPA 82 it permits the access rooms to be 1 hour when the rooms are sprinklered. The proponent advises that the trash chutes will be 2 hour shafts and the trash chutes will be sprinklered. The hardship is the cost to provide the 2 hour construction when the Type VA building construction is essentially complete.
- CI (e) *A new 5 story mixed use building having apartments, and future retail, restaurants or offices, will have a modified 2 hour podium structure for the 1st floor and the code requires the upper floor fire walls to extend through the podium and the fire walls will not extend through the podium floor structure.* The proponent advises that the 2 hour fire rated floor separation with 2 hour supporting construction will be provided between the 1st story and the upper 4 stories above. The building is based on modifications to the IBC Section 509.2. While there will be steel framing for the 1st story, floor joists will be wood trusses. The hardship is the interruption of the floor structure and possible fire walls within the 1st floor retail areas.
- CI (f) *The new 5 story mixed use building having apartments, and future retail, restaurants or offices, will have a modified 2 hour podium structure for the 1st floor and there will be apartments within the 1st floor which the code does not allow.* The code limits the use of the podium to parking, offices, retail and assembly less than 300 persons. The proponent advises that the 2009, 2012 and proposed 2015 International Building Codes will allow "R" occupancy within the podium. The hardship is the need to have apartments on the 1st floor.
- BI (g) *The fire wall terminating at exterior walls will have non-rated windows within 4 feet of the fire wall and the code requires the openings to be ¾ hour fire rated opening protected.* The proponent advises that the affected windows will have a sprinkler within 12" horizontally of the opening, maximum of 6" on center, to provide a water curtain at the opening. Similar variances have been approved in the past.

14-1-24(a)(b)(c)(d)(e) **Artistry Phase II – South Building – Indianapolis**

- CI (a) *A portion of a new 5 story mixed use building having apartments, future retail, assembly or business use, will exceed the allowable number of stories for the mixed use type of construction.* A portion of the 1st floor, approximately 5,000 sq. ft. will have a modified podium structure of 2 hour fire rating with wood floor trusses as joists. For the Type VA construction, apartments are limited to four stories. The proponent advises that there will be a 2 hour fire rated separation provided between the 1st story and the upper 4 stories above. The building is based on a modification to IBC Section 509.2. While there will be steel framing for the 1st floor the floor joists will be wood trusses. The apartment walls will have fire walls providing compartmentation which will also qualify as horizontal exits, reducing the travel distance and increasing exit capacity. The hardship is the cost to provide the 3 hour noncombustible construction for the 1st floor.
- CI (b) *The new mixed use building having apartments, future retail, assembly or business use, will have an NFPA 13R sprinkler system for the apartments, the modified podium structure will be 5 stories in height and the code limits NFPA 13R to 4 stories in height.*

The building increase per Section 506.4, Exception 3 will be followed. A 2 hour fire rated separation will be provided between the 1st story and the 4 stories above. The building is based on a modification to IBC, section 509.2. The apartment floors will have fire falls providing compartmentation which will also qualify as horizontal exits, reducing travel distance and increasing exit capacity. The proponent advises that New York City code permits NFPA 13R systems to be used up to 6 stories. The hardship is the cost of providing an NFPA 13 sprinkler system for the residential floor levels, including concealed spaces such as floor construction and the attic.

- AI (c) *The code required access to the attic spaces having a clear height of over 30 inches will not be provided.* The code requires an access hatch of 20" X 40" which is not available for a fire rated roof ceiling assembly. Given the tight space formed by the roof trusses for the flat roof the access will not be provided. Due to the attic roof truss diagonal braces and planned insulation access into the attic space would be very difficult and there are only intermittent spaces where the attic height is greater than 30 inches. The hardship is the cost of providing a fire rated hatch that does not exist in every apartment and securing the openings so building tenants do not have access to the attic space. Similar variances have been approved in the past.
- AI (d) *The 5 story mixed use facility will have trash chute access rooms and termination rooms of 1 hour fire rated construction rather than the code required 2 hour fire rated construction.* This requirement is in NFPA 82 which requires such rooms to be 2 hour fire rated. In the 2009 Edition of NFPA 82 it permits the access rooms to be 1 hour when the rooms are sprinklered. The proponent advises that the trash chutes will be 2 hour shafts and the trash chutes will be sprinklered. The hardship is the cost to provide the 2 hour construction when the Type VA building construction is essentially complete.
- CI (f) *The new 5 story mixed use building having apartments, and future retail, restaurants or offices, will have a modified 2 hour podium structure for the 1st floor and there will be apartments within the 1st floor which the code does not allow.* The code limits the use of the podium to parking, offices, retail and assembly less than 300 persons. The proponent advises that the 2009, 2012 and proposed 2015 International Building Codes will allow "R" occupancy within the podium. The hardship is the need to have apartments on the 1st floor.

14-1-25

- BI **Fox Apartments – Bloomington** Project #366914
Based upon a fire separation distance of approximately 5' 4" to the south (4' 4" no-build easement + 12" to the property line from the openings), exterior openings are limited to 10% of the area of the exterior wall in each story and the 2nd, 3rd, and 4th floors each have openings that comprise approximately 14% of the exterior wall per story. The proponent advises that there are no openings on the 1st floor facing the south property line. The building is classified as an R-2 occupancy of floors 2 through 4 and S-2 occupancy (enclosed parking garage) on the 1st floor. The building is protected throughout with an automatic sprinkler system per NFPA 13R, with protection in the 1st floor parking garage per NFPA 13. Quick response sprinklers will be located at the ceiling level within 12" horizontally of each exterior opening in the south exterior wall. The exterior wall is brick veneer, a noncombustible surface. The hardship is the necessity to provide natural light into the dwelling units on the south side of the building and the cost to provide fire rated windows meeting the ASTM E-119 test for a "wall" is

prohibitive, or otherwise requires the window size to be reduced below development standards.

- 14-1-26 AI **Taxman Brewery – Bargersville**
The building envelope fails per Comcheck evaluation, due to the proposed use of single-width insulated concrete block exterior wall construction for the addition that will match the existing exterior wall construction. The proponent advises that the project will convert the existing building into the tasting/seating area for a brewery, classified as A-2 occupancy. The project will also include the construction of an addition for use as brewery production classified as F-2 occupancy and beer storage area classified as S-2 occupancy. The energy usage in the addition will be minimal based on the use for brewery and beer storage. The hardship is estimated at \$20,000.00, based upon the level of energy usage in the addition, there would be virtually no payback in energy cost savings for the owner.
- 14-1-27 DI **Penn Street Tower – Indianapolis** Project #367527
The code required standby power generator will not be provided for the new elevator installation in the existing hoistways. The proponent advises that the project involves the conversion of a 15 story 1910 high rise building from office use to apartments. The project will also include the basement level and a small portion of each upper floor level of the adjacent 7 story “annex” structure (added some time later). The building is Type IA construction. The proponent advises that they will undertake the following alternatives: an area of refuge including a wheelchair space will be provided at each floor level landing in the new stair enclosure for the existing stairs serving all floor levels, which are not required in buildings with an automatic sprinkler system. The building is provided with an NFPA 13 sprinkler system throughout. A transfer switch will be provided for 1 elevator in order to permit a portable generator to be connected to the elevator. The elevators will have a battery backup provided in order to permit lowering of the elevators in the event of loss of power. The hardship is the cost to provide a generator for the elevator, which is estimated at approximately \$51,000.00 plus the cost of construction for a room. The generator is not required for any other reason. What is the cost of the entire project?
- 14-1-28(a)(b) **New Haven Middle School – New Haven**
A (a) *The spray on fire resistive coating required by code for the roof trusses in the gymnasium is falling off and will not be corrected until the summer.* The proponent advises that the area of exposure is at the bottom chord of steel girder trusses in the gymnasium. The remainder of the structure is protected. The area is protected by smoke detection connected to the monitored fire alarm. The owner will correct the situation over the summer break and be in compliance prior to August 1, 2014. The hardship is the area is used throughout the day on a daily basis. Repair is a time consuming process requiring masking and protection of surfaces in the area. Why can't the area be isolated from the children and be repaired now?
D (b) *The rated fire doors at stair wells and the cafeteria are being held open mechanically without consideration of the fire alarm system which is not allowed the code.* The proponent advises that there are staff members in corridors monitoring students at passing

periods (at least once per hour). The doors can be closed after class room hours are complete each day. The owner intends to replace the fire alarm system in June/July of 2014 and installation of hold open devices at this time will require re-working at that time resulting in additional costs. They also feel the age groups served in this building are susceptible to harm from both concealed areas created by closing doors and swing of doors into corridors egress paths. Middle school children cannot open and close doors? The hold open devices will need to be installed either now or later what is the hardship of changing the alarm panel hook ups?

- 14-1-29 C/NVR **Kenworth of Fort Wayne – Storage – Fort Wayne** Project #367959
The code required plumbing fixtures required in Table 29 will not be installed in the building. The proponent advises that the storage building will be unoccupied and serve as an accessory storage structure to a primary existing facility. The intended use of this structure will be to provide storage and limited elemental protection for noncombustible truck parts associated with the business and will not include heat or plumbing installations. Accessible restrooms are located within the primary existing facility. The unheated characteristics of the structure's design create physical limitations for adding plumbing installations. Why is the plumbing required in this building?
- 14-1-30 AI **JKL Inc. d/b/a Etna Pub – Etna Green**
The kitchen hood system in not operational and is not going to be removed as required by the code. The proponent advises that it is not a public safety hazard because the cooking equipment is not being used. The hardship is that they cannot afford to make the system operational and cannot afford to have it removed because they do not have the money.
- 14-1-31 AI **2151 S. Bent Tree Drive – Bloomington**
The emergency escape and rescue windows in each of three bedrooms do not meet the codes requirement for opening height and openable area. The code required that the windows have a minimum openable area of 4.75 sq. ft., a minimum openable height of 24", and a minimum openable width of 18" and have a maximum sill height of 44 inches above the floor. The current windows have an openable area of 4.57 sq. ft., an openable height of 23.75", an openable width of 27.75" and a sill height of 28".
- 14-1-32 B/DI **Team Combat Live – Hobart**
A Chapter 34 evaluation has been done on this building which shows a -16.75 for fire safety, -11.95 for mandatory means of egress and -14.95 for general safety for a total of -43.65. The building exceeds the allowable area per code for an A-3 per Table 503 and of VB construction. The code allows 6,000 sq. ft. and with the area increase due to open space to 10,500 sq. ft. the building area is 12,800 sq. ft. The proponent advises that if they install a fire alarm system throughout the structure their score will change to -1.75 for mandatory fire safety, 3.05 for mandatory means of egress and 0.05 for mandatory general safety. The installation of a fire suppression system is not within their budget capabilities. With the installation of the fire alarm system staff would recommend a "B" category.

- 14-1-33 CI **Hoosier Road Elementary School – Security Vestibule – Fishers**
The code required space of 84” will not be provided in the new vestibule being installed to create a front entry security vestibule. The doors will be in series having less than the required 48” plus the width of the door swing into the space for the total of 84”, the actual distance will be 81 ½”. The project involves the construction of a wall with a pair of doors to create a secure vestibule for visitors to enter the office reception area in lieu of directly into the school. The proponent advises that the turning space complying with Section 304 of ANSI A-117.1 is provided between the pairs of doors. Due to the doors in series consisting of pairs of doors in sequence, the distance provided will permit a wheel chair to negotiate the doors in series as installed. The hardship is that compliance is provided to the maximum extent feasible given the existing constraints presented by the existing walls, fire alarm panels, etc. Does this vestibule affect exiting?
- 14-1-34 CI **Brooks School Elementary – Security Vestibule – Fishers**
The code required space of 84” will not be provided in the new vestibule being installed to create a front entry security vestibule. The doors will be in series having less than the required 48” plus the width of the door swing into the space for the total of 84”, the actual distance will be 72”. The project involves the construction of a wall with a pair of doors to create a secure vestibule for visitors to enter the office reception area in lieu of directly into the school. The proponent advises that the turning space complying with Section 304 of ANSI A-117.1 is provided between the pairs of doors. Due to the doors in series consisting of pairs of doors in sequence the distance provided will permit a wheel chair to negotiate the doors in series as installed. The hardship is that compliance is provided to the maximum extent feasible given the existing constraints presented by the existing walls, fire alarm panels, etc. Does this vestibule affect exiting?
- 14-1-35(a)(b) **Ball State University –Conv. District Energy Station South – Muncie**
 Project #366332
 A/NVRI (a) *The second floor addition to mechanical/energy plant will not be accessible as required by code. The proponent advises that Plan Review has cited the project to be completely accessible per Chapter 11 of the Indiana Building Code and cited accessible toilet facilities per Section 1109. The proponent advises that the 2008 Indiana Building Code does not require the 2nd floor to have an elevator or ramp per Section 1104.4 Exception 1 which states “elevators are not required in facilities that are less than 3 stories”. The Building Code also does not require equipment spaces to be accessible per Section 1103.2.9. The 2010 ADA Standards for Accessible Design, Section 203.5 do not require machinery spaces to be on an accessible route. The hardship is making a mechanical space accessible when the code does not require such.*
 A/NVRI (b) *The 2nd floor addition to the mechanical/energy plant will not comply with the energy code, including but not limited to providing a main entrance vestibule. The proponent advises that the Indiana Energy Conservation Code, Section 2.3c reads, “building systems and equipment dedicated to manufacturing processes where operating requirements are primarily intended for the manufactured product or process and not for human comfort”. It is the intent of the code to not regulate energy plants. The hardship is the building produces chilled water for the campus. Energy use is beyond a normally occupied structure. The five chillers will maintain an ambient temperature of 90+*

degrees. The building lends itself to need outside ventilation to expel heat. Exterior conditions, air leakage and insulation will have little effect on the interior environment.

14-1-36

CI

Geist Elementary School – Security Vestibule – Fishers

The code required space of 84" will not be provided in the new vestibule being installed to create a front entry security vestibule. The doors will be in series having less than the required 48" plus the width of the door swing into the space for the total of 84", the actual distance will be 73 ½". The project involves the construction of a wall with a pair of doors to create a secure vestibule for visitors to enter the office reception area in lieu of directly into the school. The proponent advises that the turning space complying with Section 304 of ANSI A-117.1 is provided between the pairs of doors. Due to the doors in series consisting of pairs of doors in sequence the distance provided will permit a wheel chair to negotiate the doors in series as installed. The hardship is that compliance is provided to the maximum extent feasible given the existing constraints presented by the existing walls, fire alarm panels, etc. Does this vestibule affect exiting?

14-1-37(a)(b)(c)(d)(e) **Indiana State University – Mills Hall – Terre Haute**

AI

(a) The building does not comply with the required construction type of IA. The requirement is due to the new project which includes a small bump out on floors 3 through 12 of approximately 50 sq. ft. per floor and a small net increase in area on the 2nd floor mezzanine. The proponent advises that the building elements are a minimum of 1 hour rating, but do not comply with Table 601 requirements for Type IA construction. The building is 12 stories in height, including the partial 2nd floor mezzanine, and is constructed of a combination of precast and cast in place concrete construction. Mills Hall is 1 of 4 residence towers making up the 1960's era Sycamore Towers at the campus in Terre Haute. The project proposes a renovation/rehabilitation to the structure, including student room and rest room renovations, common use area renovations, new mechanical and plumbing systems, electrical upgrades, and improvements to the existing building envelope. The building will be protected throughout with an NFPA 13 sprinkler system as part of this project. Additionally there will be an automatic standpipe system provided throughout the building. A voice alarm system will be provided throughout the building as part of this project. Two separate standby generators will be provided; one for the fire pump and one to serve elevators, emergency lighting, the fire alarm system, and the existing stair pressurization system. The hardship is the need to add the area to the mezzanine level to complete construction for new resident supervisor apartment units and reconfiguration of the space otherwise. The small bump out will accommodate a new curtain wall feature to dress up the exterior of the building.

AI

(b) The building will not fully comply with the Building Code for high rise buildings which is required due to the addition of the bump out of floors 3 through 12. The project proposes a renovation/rehabilitation to the structure, including student room, rest room renovations, common use area renovations, new mechanical and plumbing systems, electrical systems upgrades, and improvements to the existing building envelope.

CI

(c) New student lounges on each floor of the residence floors will be open to the corridor and the code requires a separation from the corridor for rooms other than foyers, lobbies, and reception rooms. The building is 12 stories in height, including the partial mezzanine on the 2nd floor and is constructed of a combination of precast and cast in

place concrete construction. The proponent advises that the building will be protected throughout with an NFPA 13 sprinkler system as part of this project. A voice alarm system as required for high rise buildings will be provided throughout the building as part of this project. The proposed design will comply with Section 28.3.6.6 of NFPA 101 the Life Safety Code for residential occupancies. The hardship is that the open lounge areas are an important feature of modern university dorm design.

BI (d) *The new student lounges on each of the residence floors will have nonrated openings to the corridor, consisting of glazed windows and doors, which are not allowed per the building code.* The code requires protected openings to the corridor based upon the R-2 occupancy classification. The proponent advises that the building will be fully sprinklered throughout per NFPA 13 as part of this project. The glass wall will be protected with a sprinkler water curtain designed per Section 7-9.7 of NFPA 13. The water curtain will be designed to deliver a minimum discharge rate of 3 gpm per lineal foot along the glass wall. The hardship is that the addition of the open lounge areas addressed in a separate variance, the lounges with glazing to the corridor are an important feature of the design.

AI (e) *The new dormitory sleeping room doors will not be provided with closers and the corridors are required to either be self or automatic-closing.* The new doors affected are 2 on each floors 2-6 and 8-11 (to create accessible rooms), and 13 doors on the 7th floor (all new walls and doors). All other dorm room door assemblies are existing where the door leaf will be a replacement of like kind repair. The building will be protected throughout with a sprinkler system per NFPA 13 as part of this project. The corridors will be provided with smoke detection system connected to the building fire alarm system, corridor smoke detectors are not required by code. Each sleeping room will be provided with single station smoke detectors, as required. The hardship is the ongoing cost of maintaining door closers or door hold open devices that are rendered essentially inoperative in a short period of time in the student environment. This variance has been granted for other, similar projects.

14-1-38(a)(b)(c)(d) **Double Tree Hotel – Conference Center – Residences & Parking Facility - Evansville**

CI (a) *A 2 hour fire barrier with 90 minute rated openings will be provided between the hotel/conference center and the apartment portion of the building, due to the establishment of a property line to permit the future sale of the apartment portion of the building as a separate parcel instead of the code required, either a party wall, without openings or otherwise fire rated exterior walls for each portion of the building.* The proponent advises that, additionally, the exterior windows of the indoor pool in the conference center will be on the established property line facing a courtyard across from the 1st floor apartments. The hotel/residences/conference center structure will be of type IB construction. The entire building will be designed as a single high rise building with a common fire protection system, with a fire command center providing the required annunciation and status indicators for both the hotel/conference center and the residential apartments. Means of egress elements are maintained as required, regardless of separate or common ownership of the 2 parcels. Legal easement agreements are in place to ensure these elements are maintained in perpetuity with the property. The hardship is the openings between the 2 portions of the building are needed in order to permit sharing of

certain egress elements. Construction of a multistory structurally stable party wall is impractical. Aren't there any alternatives that can be offered?

- CI (b) *The occupant load factor for the 1st floor ballroom space for purposes of determining maximum occupant load for egress purposes is requested at 10 sq. ft. per person, which is not an occupant load factor permitted by the building code.* The conference center portion of the building includes the 1st floor ballroom space, as well as food service/restaurant space and additional 2nd floor meeting rooms. Section 1004.2 permits an increased occupant load provided all code requirements are met for the increased occupant load. The proponent states that base use is requested at 15 sq. ft. per person with an increase to 10 sq. ft. per person for the row seating arrangement as indicated in the attached plan, representing a maximum occupant load expected based upon the proposed room seating plan. The hardship is not clear.
- CI (c) *The 2 hour fire barrier with 90 minute rated openings will be provided between the City owned parking garage and the adjoining hotel/residences/conference center and due to the ownership of the structure (city will own the garage, and a private entity will own the adjoining structure), but the code requires either a "party wall" without openings or otherwise fire rated exterior walls for each building.* The 4 story open parking garage will be of Type IIB construction. The adjoining hotel/residences/conference center structure will be of Type IB construction. The 2 hour fire barrier will be entirely independent of the structure of the adjoining hotel/residences/conference center building and will be supported by concrete structural frame of the parking structure. The openings between the parking garage and the adjoining building will be 90 minute rated, as required. The adjoining hotel/residences/conference center building will be protected with an automatic sprinkler system per NFPA 13. The restrooms and storage room within the parking garage will be provided with automatic sprinkler protection. The hardship is the openings between the 2 structures are needed in order to permit use of the parking garage by the adjoining hotel/residences/conference center building. Construction of a 4 story structurally stable party wall would be a significant cost hardship. What is the cost?
- CI (d) *The electrical service conductors feeding the residential apartments in the adjoining property will be placed on the parking garage side of the demising wall between the two properties, which is not allowed by code.* The Electrical Code prohibits the service conductors to "pass through the interior or another building or structure". The proponent advises that the equipment involves electrical meter centers with main circuit breakers, the main disconnect switch, C/T cabinet, and meter for the residential house panels. The parking garage is a 4 story open structure. The adjoining property is a hotel/residence/conference center structure. The city is providing the parking structure as a support for the overall development. The two ownership entities have legal easement agreements in place to allow access to the electrical equipment for servicing. The hardship is the proposed location for the equipment is optimal for ease of access and servicing.

14-1-39

DI **Kokomo Housing Authority – Superior Street Apartments – Kokomo**

Project #367855

The code required sprinkler system will not be installed in this R occupancy. The proponent advises that there front and rear entrances to each apartment. There are 2 hour

rated fire barriers between the each unit. The units are each two story. The proponent feels that the code is ambiguous between the IRC and the IBC and the Indiana amendments. They are requesting that the variance be granted to eliminate the requirement for sprinklers in the units. The hardship is the cost of the sprinklers is estimated to cost over \$15,000.00 which represents an additional 3% of the construction cost. The Housing Authority has already received and allocated monies based on received construction bids. In addition the Housing Authority is concerned that tenant tampering with the sprinkler system is a likelihood they would like to avoid from an operations standpoint.

- 14-1-40 CI **Grooms Tire Recycling – Indianapolis** Project #367405
The proposed 16,000 sq. ft. pole barn for tire recycling will not be provided with the code required sprinkler system. The proponent advises that the nearest city water is approximately 1,400' west of the building's most remote location on the property. The proponent advises that they will install portable fire extinguishers and fire alarm and fire detection systems in lieu of the sprinkler system. The hardship is the cost to get the water to the facility. The bid from the water company to bring the water to the property is approximately \$200,000.00. This price does not include the cost to take the water line on the property of the proponent which will be from \$1,200.00 to \$60,000.00, depending on the size of the water line needed. This price does not include the cost of the installation of the sprinkler system either. What's involved in the recycling process? How many employees are in the building?
- 14-1-41 DI **Bunker Hill Drag Strip – Bunker Hill** Project #367161
The restaurant/bar has an occupant load in excess of 100 and the code required sprinkler system will not be provided. The proponent advises that they will have a hard wired smoke detection system installed throughout the facility. The cooking equipment in the existing kitchen is protected with a Type I kitchen exhaust hood and automatic suppression system, as required by code. The dining area is equipped with three distinct and remote exits. Two exits are required to serve this area. The exit travel distance is less than half of what is permitted. The hardship is that the facility is located in a rural area and is not served by public utilities. In order to comply with the requirement for an automatic sprinkler system it would be necessary to provide an onsite water supply and a fire pump. These additional provisions commonly add a \$50,000.00 premium to the cost of a sprinkler system. What is the actual occupancy load? What is the actual cost of a sprinkler system?
- 14-1-42 AI **Indianapolis Zoo – Orangutan Exhibit Store – Indianapolis**
The code required facilities from Table 29 will not be furnished in this 578 sq. ft. "M" occupancy with adjacent spill out areas under awnings. The items including; employee toilet facilities, drinking fountain, and service sink will not be provided in the building but are provided approximately 200 feet from this facility. There are service areas and drinking fountain/concession stands located throughout the grounds. The code permits a distance of 500 feet to public toilet facilities within a covered mall building. The hardship is that, due to the limited space and small size of this structure, there is not

sufficient space available for rest rooms or service areas within the building. Also there is no plumbing provided in this facility.

- 14-1-43 AI **Rural King – Columbus**
A legal property line will be established between portions of a shopping center and the code requires a fire wall without openings (party wall) to separate the buildings with a property line between them. The two portions of the building will be separated by the existing 10" masonry wall. This wall was the original exterior wall of the Rural King store (formerly a different retailer). The roof structure for the adjoining retail establishment bears on the wall in question. The proponent advises that the two will be separated with at least a two hour fire barrier. Both buildings being separated are protected with an automatic sprinkler system. The entire structure is constructed of noncombustible materials. The hardship is that it is not practical to modify the wall to achieve the requirements for a structurally independent fire (party) wall. This situation was brought about by a change in ownership.
- 14-1-44 CI **Grace Banquet Hall and Apartments – Greenfield**
The facility was previously used for retail space and, at some point in the past the use was changed to a banquet hall and three apartments were constructed in the facility, all without bring the facility into compliance with the code at the time of change of occupancy. The proponent advises that the exit travel distance is ½ of that permitted by code. The facility has been in use for several years as it is. An analysis has been performed under Section 3410 of the 2008 Indiana Building Code and, while not achieving a passing score, the proponent advises it demonstrates that a reasonable level of safety exists. The hardship is the disruption of the facility to accommodate the necessary construction work would be a financial burden to the owner as the income from the venue is relied upon. The Chapter 34 evaluation was not submitted with the variance packet to verify the reasonable safety claim. Does the kitchen have the appropriate hoods and suppression systems required for the use? Is there any protection for the apartments? Is alcohol served in the banquet hall?
- 14-1-45 CI **Children's Museum of Indianapolis – Terra Cotta Warriors Exhibit – Indianapolis**
A special door will be used in the new exhibit and this door will be required to be used as an exit, but will not swing in the direction of egress as required by the code. The proponent advises that the exhibit is sprinklered. The exhibit halls and common areas are provided with smoke detection throughout and a smoke exhaust system. The owner has a well documented and tested emergency response plan and the staff is provided in the area and will be trained in emergency egress procedures for the exhibit area. The hardship is that the layout of the museum area limits the number and location of exits, which requires the special exhibit door to be used as a means of egress.
- 14-1-46(a)(b) B **Methodist Hospital C-8 Behavioral Care Unit – Indianapolis** Project #363050
(a) The code required permanent seat will not be provided in the transfer type showers in the Behavioral Care Unit in the hospital. The proponent advises that they will provide a portable shower seat when needed by the patient. The hardship is the anti-ligature accessories are required throughout the project due to the patient population in this area

of the hospital. It has always been the practice of the hospital to use portable shower seats to maintain the safety of the patient.

- NVR (b) *The local building department has interpreted the Building Code to require that controls and outlets for use by staff in the Behavioral Care Unit, and not by the occupant, must be accessible.* The following are the areas where the outlets and switches are located; on the head wall of an accessible room that are for use by staff only that are located more than 48" above the floor. A light referred to as "nurse niche light" has been provided for use by staff in the accessible room which does not comply with the high reach requirements of Section 308. Nurse calls have been provided throughout the floor for staff use is located more than 48" above the floor. There are two outlets that are provided at the accessible height for the patients use. The hardship is the controls and outlets have been provided for staff and not for use by the occupants. Switches and outlets that meet the reach requirements for accessibility have been provided within the rooms for the occupants. The project area is substantially complete and is going to be turned over to the hospital for use December 13th, 2013.

- 14-1-47 B **The Heritage of Fort Wayne – Fort Wayne**
The installation of new KONE EcoSpace elevators with a capacity of 3,000 – 5,000 pounds will utilize 8 mm steel wire rope suspension cable and a 6 mm steel wire rope governor cable, in lieu of the code compliant 9.5 mm cables. The proponent advises that they will provide a rope gauge (if requested) to each elevator inspector. These gauges measure the diameter of the ropes and determine if the ropes need to be replaced due to wear or rouging. The hardship is that the elevator application deletes the need to build an elevator penthouse therefore lowering the overall building costs.
- 14-1-48 AI **Le Meridien Hotel – Renovation – Indianapolis**
The doors forming the existing elevator lobby vestibules will be removed as part of this project, which is not allowed by code. The vestibules were provided as part of a 1984 renovation and are required by current code due to classification of the building as high rise. The building is an existing 12 story hotel listed on the National Register of Historic Places dating to 1928 (currently known as the Canterbury). The proposed new project that will rebrand the building includes renovation of guest rooms, including new finishes, new doors, new plumbing fixtures, and limited electrical and HVAC work. The project will also include renovation of the 1st and 2nd floor dining, event and meeting spaces, including toilet room renovations and various architectural changes. The proponent advises that the building is protected throughout with an automatic sprinkler system per NFPA 13. Smoke detectors connected to the building fire alarm are provided in hotel corridors throughout the building. The hardship is that the doors will be removed due to not complying with ADA door clearance requirements. The project includes a number of accessibility updates to the building.
- 14-1-49 CI **Jasper Girls Softball Practice Facility – Jasper** Project #367004
The code required fire department access road will not be constructed until August of 2014, so the variance request is to get an 8 month delay for the construction of the road. The road is required in order to provide fire truck access to within 150 feet of the softball practice facility and the road connects a city street out to the sports fields. The 7,200 sq.

ft. building is classified as an A-3 occupancy of Type VB construction. The building will be used for softball practice (batting cages, etc.) in inclement weather, and includes a locker room and coach's office. The proponent advises that there are three exits to the exterior provided, with a maximum travel distance of less than 75 feet. The lack of fire access for the 8 month period is not an occupant safety issue. If necessary during the 8 month period, there is another vehicular access to the adjacent sports field. The hardship is constructing the 300 plus foot road in the winter as well as funding the cost.

- 14-1-50 CI **Illinois Place – Indianapolis** Project #361281
The as-built clearance between opposing base cabinets, counter tops, and appliances within all dwelling units is less than the code required 40 inches. The actual measurement is 38 ½" between the opposing counter tops and 36 ½" from the face of the range to the opposite top. The project involves the construction of several 3 story apartment buildings with a total of 50 units. The proponent advises that the Type A units provide a roll-in front approach to the sink, and also a lowered section of the work area on the counter, also with a roll-in front approach to the work surface. Four of the Type A units are provided, exceeding the minimum required single unit (2% of the total number of units). The hardship is the building is substantially complete and the estimate cost to repair this condition on all units is a minimum of \$300,000.00.
- 14-1-51 AI **Remax Offices South Village – Zionsville**
The stair serving the 2nd floor within the tenant space will not be enclosed as required by code for an occupant load in excess of 10 and the projected occupant load is 11. The 2nd floor area is approximately 1,100 sq. ft. The tenant space is classified as a "B" occupancy of Type IIB construction. The proponent advises that the egress travel distance from the 2nd floor is within the permitted 75' and maximum occupant load of 30 for "B" occupancy with a 2nd story single exit design per the current IBC. The building is protected throughout with an automatic sprinkler system per NFPA 13. The hardship is the enclosure of the stair would reduce usable area on both floors and negatively impact the effect of the entrance to the tenant space.
- 14-1-52 BI **The American Building – Indianapolis** Project #360409
The gate valve installed by the utility company controlling the sprinkler feed to the building is not electrically monitored as required by code. The valve is not covered by any of the exceptions for electric monitoring in Section 903.4. The project involves the conversion of an existing 1929 10 story office building to apartments. The proponent advises that the valve will be locked in the open position. There is no public access to the valve in question. The locking of valves in the "correct position" complies with currently adopted 2010 NFPA 13, Section 8.16.1.1.2. The hardship is based upon the location of the valve outside the building perimeter; it is not feasible to electrically monitor the utility installed gate valve.
- 14-1-53 NVR **RDM Sales and Service – Ferdinand** Project #366889
The building was submitted to Plan Review as an apartment but is actually the home of the owners of the business, which is on the same property, and not contingent to the house. The proponent advises that they (the engineering company) spoke to the plan

review official and he suggested they file for a variance. They do not believe that they should have filed the plans with the state because this is the residence of the owner of the company. They also inadvertently checked the box for a fire suppression system stating the plans would follow. The plan reviewer and the engineer now feel they should not have filed the project. The owners just wanted to move close to their business and construct the house on the same property. Staff does not feel that the project should have been filed and therefore does not need a variance, based on the information provided.

14-1-54(a)(b)

Three Great Brothers – Addition – New Haven

Project #366670

CI

(a) *The code required emergency lighting will not be provided in the new addition or the existing structure.* The new addition of 3,880 sq. ft. is proposed to be attached to the existing 6,600 sq. ft. existing structure (built in 1995), the proposed addition will be an S-1 and will be unoccupied other than when items are put into or removed from the structure. The owners are of the Amish faith and do not have any utilities connected to the structures. The building is provided with no power and there are batteries on a cart that is rolled around for task lighting, but cannot support the activation of emergency lighting. The main use of these buildings is in the 6,600 sq. ft. building. The business caters to a primarily agrarian (largely Amish) clientele who bring small mechanical devices for repair and an English population who bring gasoline engine powered trimmers and mowers and snow blowers for repair. A small lawn implement retail sales business is also conducted. While the repair work occurs at the edge of the existing shop (at its north façade, where large overhead doors provide abundant access and light), the proposed addition will allow the proprietor to store additional inventory, equipment and parts. The hours of operation for the business are strictly controlled by the Allen County BZA and are from 7:00 a.m. to 5:00 p.m. Monday through Saturday. The hardship is the imposition of the required emergency lighting would require the introduction of conventional power.

BI

(b) *The requirements from Table 29 in the Indiana Building Code will not be met.* These requirements include the drinking fountain, toilets, lavatories, service sink and emergency eye wash station. The proponent advises that they will undertake the alternative actions as follows: they will have bottled water available, there will be a public access to a handicapped accessible port-a-let, there will anti-microbial sanitary hand wipes available, and water for housekeeping will be delivered by a garden hose from an adjacent building. The hardship is the imposition of the required plumbing fixtures causes undue hardship by requiring the Amish business owner to introduce plumbing in a manner impractical and incongruent with their faith practice.

14-1-55

CI

Old Dominion Truck Leasing, Inc. – Goshen

Project #368957

A new above ground storage tank with a capacity of 12,000 gallons will be installed in lieu of the code allowed maximum 10,000 gallon tank. The proponent advises that the tank will be equipped with the proper leak detection and overfill protection. The hardship is that, due to the supplier delivery schedule and the daily volume of use from Old Dominion Truck Leasing, the reserve left in the tank would not give the supplier enough time to refuel, thus causing undue hardship for Old Dominion and with the possibility of shutting down their whole fleet. What kind of tank are they using?

- 14-1-56 CI **Waste Management – Fort Wayne** Project #368006
A new above ground storage tank with a capacity of 12,000 gallons will be installed in lieu of the code allowed maximum 10,000 gallon tank. The proponent advises that the tank will be equipped with the proper leak detection and overfill protection. The hardship is that, with the fuel supplier schedule and the daily volume of use from Waste Management, the reserve left in the tank would not give the supplier enough time to refuel, thus causing undue hardship for Waste Management and with the possibility of shutting down their whole fleet. What kind of tank are they using?
- 14-1-57 CI **Long Beach Country Club – Rear Deck Tent – Long Beach**
A tent will be installed the week before Memorial Day and removed the week of Labor Day for a total of 105 consecutive days, more than of the code allowed 30 day maximum. The proponent advises that the tent has been being set up since 2004 and there have been no results that negatively affect the public health, safety or welfare in those 10 years. The applicant agrees to inspect the tent, fabric and maintenance once every 30 days and prepare an inspection report each time. The tent will not be heated and there will be not cooking, stage or bleachers in the tent. The tent is within 60' of accessibility to a fire truck. The emergency exit paths for the building and adjacent pool decks do not have travel through the tent, as shown on the accompanying drawing exhibit. The two exits from the tent are 72" wide. The occupant load for the tent is 13 tables at 4 people (52) plus 3 tables at 6 people (18) plus 11 stools which equal 81 people. The tent is 50' X 40' = 2,000 sq. ft. and all points within the tent are less than 32' from an exit. The hardship is the cost to set up and remove the tent is \$7,000.00 and multiple set ups and removals during the season is impractical to coordinate and not affordable. What is the calculated occupant load under Table 1004.1.1.
- 14-1-58 B **Wilson Farm Market – Arcadia** Project #366531
The public restroom required by the code will not be provided and a port-a-pot will be provided in lieu of the standard restroom. The proponent advises that the existing system has worked well and provided the needed services to the public. The hardship is that the facility is a small farmers market which is open for 6 months out of the year. The indoor facilities would disrupt operations of the market because of heavy traffic on US 31. Too much time and costs of operations would result from people stopping to use the facilities as a public restroom and not to patronize the business. The system has worked well as it is for many years. What is the cost? When was the building first constructed? Was it filed with Plan Review?
- 14-1-59 BI **Metal X, LLC – Support Building – Waterloo** Project #367914
The new building will not be provided with restrooms, eyewash stations, emergency showers, service sinks, or drinking fountains as required by code. The proponent advises that these items are in another building on site that is within 500 feet from the new building. The existing building has accessible restrooms within 500 feet of the new building. The proposed 2014 Indiana Building Code will not require eyewash stations or emergency showers. The hardship is the existing building provides the plumbing, drainage and new restrooms and the cost to provide these items in the new building that is

not normally occupied unless employees need to enter with large machinery to move product. Employees normally do not leave their equipment cab unless there is maintenance or clean up activity.

14-1-60(a)(b)(c)

Bumgarner Building – Truck Wash Building – Uniondale

CI

(a) *The new building will not be provided with the code required restrooms, eyewash stations, emergency showers, service sinks, or drinking fountains.* The proponent advises that the existing restrooms are in another building on site which is 325 feet from the new building. The proposed 2014 Indiana Building Code will not require eyewash stations or emergency showers. The building will be utilized as a livestock trailer wash down and possibly could be classified as “B” occupancy. If classified as “B” occupancy eyewash stations or emergency showers would not be required. This is similar to a car wash. The hardship involves providing plumbing, drainage and new restrooms for the new building or upgrade existing bathrooms. The owner does not plan to add additional employees for this building. It is cost prohibitive to add accessible routes for site and interior existing building.

CI

(b) *The existing building does not have site accessible routes into the building or leading to existing restrooms which is required by code.* The existing building has existing restrooms (not accessible) within the maximum permitted 500 feet (325 feet). The owner’s hardship involves providing plumbing, drainage and new restrooms for the new building or upgrade existing bathrooms. What restrooms do handicapped personnel use?

CI

(c) *The existing restroom does not have accessible elements.* The proponent advises the existing building has existing restrooms (not accessible) within the maximum permitted 500 feet (325). The owner’s hardship involves providing plumbing, drainage, and new restrooms for the new building or upgrading the existing restrooms. What restrooms do handicapped personnel use?

14-1-61(a)(b)(c)(d)

Edge Manufacturing – West Addition – Bluffton

BI

(a) *An addition of 29,280 sq. ft. being added to the current S-1 occupancy of Type IIB construction of 50,000 sq. ft. will have 85 feet of the west exterior wall and 75 feet of the south exterior wall less than the code required 60 feet from the property lines for unlimited area.* Code requires that there be 60 feet of frontage or a 4 hour fire wall. All other portions of the exterior walls have a minimum of 60 feet of frontage. The proponent advises that the building addition will be protected with an automatic fire suppression system per NFPA 13, 2010 Edition. The existing building is protected with an automatic fire suppression system. The 85 feet of the west exterior wall and the 75 feet of the south exterior wall will be provided with close spaced sprinklers a maximum of 6 feet on center for the full length of the wall. The close spaced sprinklers will be a water curtain design per Section 11.3.3 in NFPA 13, which requires the system to be hydraulically designed to provide 3 gallons per minute per lineal foot of water curtain, with no sprinklers discharging less than 15 GPM. The hardship involves the cost (\$120,000.00/project cost is \$850,000.00) of providing 160 feet of 4 hour fire wall.

CI

(b) *The existing building does not have site accessible routes into the building or leading to the existing restroom, which is required by code.* The existing building has existing restrooms with limited accessible features such as 3 foot doors, with 60 inch turning circle, and lavatory trap wrapped. The hardship involves providing plumbing, drainage

and new restroom for the addition or upgrade existing bathrooms. The owner does not plan to add additional employees for this expansion. It is cost prohibitive to add accessible routes for site and interior of existing buildings.

- CI (c) *The addition will not be provided with the code required restrooms, eyewash station, emergency showers, service sinks or drinking fountains.* The travel distance to the existing restroom from the addition is 600 feet. The proponent advises that the existing building has restrooms that exceed the permitted 500 feet and are not fully accessible, a water cooler and service sink. The proposed 2014 Indiana Building Code will not require eyewash stations or emergency showers. The hardship involves providing the plumbing, drainage and new restroom for the addition or upgrading existing bathrooms. The owner does not plan to add additional employees for this expansion. It is cost prohibitive to add accessible routes for site and interior of the existing building.
- CI (d) *The existing restroom has limited accessible features, rather than being completely accessible as required by the code.* The proponent advises that the existing building has existing restrooms with limited accessible features such as 3 foot doors, with 60 inch turning circle, and lavatory trap wrapping. The hardship involves providing the plumbing, drainage and new restroom or upgrading the existing bathrooms.

14-1-62

- CI **BDC – Building Roof Remodel – Bluffton** Project #366561
An existing warehouse of 69,183 sq. ft. was re-roofed over 27,580 sq. ft. of the 69,183 sq. ft. of the building in October 2000 without a Construction Design Release. A citation was issued by State Code Enforcement on May 16, 2013. The Construction Design Release required the building be sprinklered because the re-roof was interpreted as an addition alteration. The proponent advises that the re-roof does not increase square footage of the building or increase fire area, thus the sprinklers are not required. The required attic access and draft stops have been or will be installed. The hardship involves the requirement for sprinklers for a nonsprinklered building that is not increasing square footage of fire area. The pictures appear to show that a new built up roof was installed increasing the fire area above the old roof.

14-1-63

- CI **Steel Dynamics, Inc. – Equipment Lean-to-Addition – Jeffersonville** Project #366439
An S-2 occupancy addition of 3,200 sq. ft. to an existing F-2/S-2 occupancy of 289,537 sq. ft. will not be provided with the required fire department access openings per Section 903.2.10.1 of the IBC for the addition. The proponent advises that Plan Review has asserted that the existing building is not in compliance with Section 903.2.10.1, stories and basements without openings, based upon a Google (or similar) aerial view of the existing building. 675 IAC 12-4-12 permits additions provided the addition does not cause the existing building to become noncompliant. The addition does not eliminate any existing fire department access openings. The existing building is a low hazard storage and fabrication of facility producing steel products. The addition has compliant fire department access openings and does not remove any existing openings. The hardship involves the cost to have the existing building evaluated to determine if the fire department access openings have been provided per the code of record. What is the cost?

14-1-64(a)(b)(c)

Center Grove High School – Renovation – Greenwood

CI

(a) *An existing 3 story school will have several 2 hour fire walls, not structurally independent, removed as part of an alteration project resulting in a floor area, without the fire walls will be approximately 91,200 sq. ft. for the lower level, 163,300 sq. ft. for the main level and 86,600 sq. ft. for the upper level, for a total of 342,000 sq. ft. building, and the code permits 54,375 sq. ft. per floor and a total of 163,125 sq. ft. The proponent advises that the building is sprinklered as required by code. The building is built on a sloping site, leading to the 3 story classification. The lower level constitutes a story since the floor to floor height is greater than 12 feet. Each floor level has direct exits to the exterior. The proponent states that the original 3 story section was classified as an unlimited area building by Plan Review and the architect. The hardship is the existing school will be altered with administrative areas and classrooms being moved and the existing fire walls/horizontal exits limit the plans for remodeling, thus it is desirable to remove the fire rated walls. There is nothing in the Commission's Rules or the rules of the Administrative Building Council that allows a three story unlimited area "E" occupancy.*

CI

(b) *The removal of two of the two hour fire walls (horizontal exits) will result in the exit travel distance of 325 feet and the code limits the travel distance in a sprinklered "E" occupancy to 250 feet. The proponent advises that the building is sprinklered. Each floor level has direct exits to the exterior. Additional 75 feet travel distance only takes 20 seconds for able bodied persons to travel. Flow time through exit doors is typically the limiting factor in evacuation time. The hardship is the school will be altered with administrative areas and classrooms being moved. The existing fire wall/horizontal exits limit the plans for remodeling, thus it is desirable to remove the fire rated walls. Why can't additional exits be provided?*

CI

(c) *The existing three story enclosed exit stair will be converted to an open exit stair and the code requires the exit stair to have a one hour fire resistive enclosure. The proponent advises that they will undertake the following alternatives: per NFPA 13 the opening will have 18 inch deep draft curtains and close spaced sprinklers around the opening. The existing building is sprinklered. Fire tests in the early 1950's conducted in Los Angeles show that a sprinklered building will give students time to evacuate down a three story open exit stair under safe conditions. Each level of the school has direct exits to the exterior. The main entrance is located on the second level. The hardship is the center stair of the school has high levels of student travel. The stair will be widened and an open stair, without doors, will provide greater service and safety.*

14-1-65

AI

Cardinal Square Parking Facility – Muncie

Project #366235

The parking garage will not be provided with the following items from Table 29, IBC; emergency showers, eyewash station, service sink, and drinking fountains. The code requires all "S" occupancies be provided with these plumbing fixtures. The proponent advises that the city owned parking garage will be 5 full stories plus a rooftop parking deck and will be of Type IB construction. The surrounding structure will be a minimum Type VA construction. The garage is for parking only, with no vehicle repair or other activities. Restroom and other applicable facilities are provided elsewhere in the surrounding building as required for the occupancies involved. The hardship is the cost for the plumbing fixtures which do not provide any benefit to public welfare.

- 14-1-66 AI **City of Kokomo Parking Garage – Kokomo** Project #367357
The parking garage will not be provided with the following items from Table 29, IBC; emergency showers, eyewash station, service sink, and drinking fountains. The code requires all “S” occupancies be provided with these plumbing fixtures. The proponent advises that the city owned garage will be 4 open parking garage levels plus 5th floor apartments. The open parking garage will provide parking for the residential parking level and will also provide additional downtown parking for the public. The garage is for parking only with no vehicle repair or other activities. Restroom and other applicable facilities are provided in the apartment level as required for that occupancy. As for the public parking function, the facility is identical to surface and street parking. The hardship is the cost for plumbing fixtures which do not provide any benefit tot public welfare.
- 14-1-67 CI **800 Capitol – Indianapolis** Project #361657
The basement and associated utility tunnels are not provided with automatic sprinkler protection and the building was evaluated per Chapter 34 as a fully sprinklered building. The basement is unoccupied for any purpose. The walkable area is approximately 1,900 sq. ft. in area, along with the blower unit space of 1,300 sq. ft. and approximately 3,000 sq. ft. of tunnels. The building is an existing 4 story structure with a partial basement, constructed in 1913 for the Kahn Tailoring Company, and has been used for a variety of commercial and industrial uses. The proposed project will convert the building to residential apartments. The building is cast in place concrete construction, and is classified as Type IB construction. The building will be classified as R-2 occupancy, with “B” occupancy accessory uses on the 1st floor. The proponent advises that there is no active mechanical equipment in the basement. Water and sewer piping are run through the basement and tunnel areas. Standard and emergency lighting are provided in the basement. The basement is not occupied for any use, including storage. Access to the basement is only for potential very infrequent maintenance of piping. The pair of doors leading to the existing spiral stair to the basement will be locked and have signage stating “Fire Department Personnel Only”, with the key provided in the Knox Box. There is not public access or common access to the basement. The hardship is the cost to provide sprinkler protection in an area of noncombustible construction, no occupancy, and no fire load.

